

REMARKS/ARGUMENTS

Amendments

The claims are modified in the amendment. More specifically, claims 1, 20, and 33 have been amended. Therefore, claims 1-35 are present for examination. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

35 U.S.C. §103 Rejection, Herrington et al. in view of Garfinkle

The Office Action has rejected claims 1-3, 7-22 and 26-35 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,922,843 to Herrington et al. (hereinafter "Herrington") in view of the cited portions of U.S. Patent No. 5,400,402 to Garfinkle (hereinafter "Garfinkle"). The Patent Office (the "Office") is charged with putting forth a *prima facie* showing of obviousness. Applicants argue a *prima facie* case of obviousness has certain flaws in the Office Action that warrant reconsideration in view of the amended claims. Applicants respectfully traverse the *prima facie* case of obviousness set forth in the Office Action as outlined below.

Teachings Missing from the cited references

Applicants believe Herrington and Garfinkle, do not, either alone or in combination, teach or suggest the invention in the claims. More specifically, none of Herrington or Garfinkle teach or suggest "a viewing limit configuration menu adapted to receive parental control rules from an end user, wherein the parental control rules define program viewing limits for one or more time periods that curtail predetermined rights of linearly-scheduled programs to create defined program viewing limits" as generally required by all the claims.

Summary of Herrington

Herrington discloses a system for providing multiple-level parental control features allow more fine control of which programs can be watched. In the end, all this control does no more than any other conventional parental control system, namely, the ability to watch a

program or not is all these systems provide. This is a binary process where a program is available for watching or not. In Herrington, there is no ability to define program viewing limits for one or more time periods that curtail prior rights of linearly-scheduled programs.

Summary of Garfinkle

Garfinkle discloses a control system at the customer site that blocks access to video-on-demand (VOD) program after it has been viewed a predetermined number of times or after a predetermined interval, or any combination thereof (abstract). The time limit or the prescribed number of times are fixed by a central station or may be specified by the customer when he orders the program at purchase (col. 3, lines 39-42). The control system of Garfinkle does not any way to modify the rights selected a purchase and certainly does not appreciate doing this to linearly-scheduled programs.

Missing Limitation: View Limit Curtailment After Purchase

This limitation in the amended claims 1, 20, and 33 clarifies that a viewing limit configuration menu is used to curtail program viewing limits of linearly-scheduled programs for one or more time periods. In marked contrast, the program viewing limits of Garfinkle is fixed by the central station or may be specified by the customer at purchase for VOD programs and thus does not curtail the predetermined rights of linearly-scheduled programs as generally required by all the claims. The Office Action properly sets forth that Herrington does not disclose defined program viewing limits for one or more time periods (*Office Action* at page 3, lines 10-11) for linearly-scheduled program. Thus, Herrington and Garfinkle cannot, either alone or in combination, teach or suggest the invention in the claims. The requirement for a menu or means for this curtailment is simply missing from either reference.

Combination Doesn't Teach Claimed Invention

Furthermore, the combination of Herrington and Garfinkle would produce two separate control systems: (1) a parental control system for linearly-scheduled programs with no defined program viewing limits, (2) a control system that blocks access to a down-loaded stored program with defined program viewing limits that are fixed at purchase. Conventional program

guides keep linearly-scheduled and VOD programs in completely different places. Any parental control would also have a different place in the program guide. Why would there be a menu that bridges between these two systems? Any combination would keep the purchase options of Garfinkle separate from the parental control of Herrington. The stated motive would not achieve the mixing and matching of features required by a Garfinkle/Herrington combination that would read on the claims.

Summary

The proposed combination does not teach or suggest the invention in the claims. There is no curtailment of the viewing limits after purchase in the proposed combination. Applicants respectfully request reconsideration of the 35 U.S.C. §103(a) rejection to the amended claims 1, 20, and 33 and their respective dependent claims 2-3, 7-19, 21-22, 26-32, and 34-35.

35 U.S.C. §103 Rejection, Herrington in view of Garfinkle and further in view of Cragun and Casement

The Office Action has rejected claims 4 and 23 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Herrington in view of the cited portions of Garfinkle and further in view of the cited portions of U.S. Patent No. 5,973,683 to Cragun (hereinafter "Cragun"). Claims 4 and 23 are allowable for at least the reasons that their respective parent claims are. The Office Action has rejected claims 5-6 and 24-25 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Herrington in view of the cited portions of Garfinkle and further in view of the cited portions of U.S. Patent No. 6,144,401 to Casement (hereinafter "Casement"). Claims 5-6 and 24-25 are allowable for at least the reasons that their respective parent claims are. Applicants respectfully request reconsideration of the 35 U.S.C. §103(a) rejection to dependent claims 4-6 and 23-26.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted, .

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